



Rep. Sonya M. Harper

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1 AMENDMENT TO SENATE BILL 1980

2 AMENDMENT NO. _____. Amend Senate Bill 1980 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-5. The Property Tax Code is amended by changing
6 Sections 21-295, 21-310, 21-355 as follows:

7 (35 ILCS 200/21-295)

8 Sec. 21-295. Creation of indemnity fund.

9 (a) In counties of less than 3,000,000 inhabitants, each
10 person purchasing any property at a sale under this Code shall
11 pay to the County Collector, prior to the issuance of any
12 certificate of purchase, an indemnity fee set by the county
13 collector of not more than \$20 for each item purchased. A like
14 sum shall be paid for each year that all or a portion of
15 subsequent taxes are paid by the tax purchaser and posted to

1 the tax judgment, sale, redemption and forfeiture record where
2 the underlying certificate of purchase is recorded.

3 (a-5) In counties of 3,000,000 or more inhabitants, each
4 person purchasing property at a sale under this Code shall pay
5 to the County Collector a nonrefundable fee of \$80 for each
6 item purchased plus an additional sum equal to 5% of ~~taxes,~~
7 ~~interest, and penalties paid by the purchaser, including the~~
8 taxes, interest, and penalties paid under Section 21-240. In
9 these counties, the certificate holder shall also pay to the
10 County Collector a fee of \$80 for each year that all or a
11 portion of subsequent taxes are paid by the tax purchaser and
12 posted to the tax judgment, sale, redemption, and forfeiture
13 record, ~~plus an additional sum equal to 5% of all subsequent~~
14 ~~taxes, interest, and penalties. The additional 5% fees are not~~
15 ~~required after December 31, 2006.~~ The changes to this
16 subsection made by this amendatory Act of the 91st General
17 Assembly are not a new enactment, but declaratory of existing
18 law.

19 (b) The amount paid prior to issuance of the certificate of
20 purchase pursuant to subsection (a) or (a-5) shall be included
21 in the purchase price of the property in the certificate of
22 purchase and all amounts paid under this Section shall be
23 included in the amount required to redeem under Section 21-355,
24 except for the nonrefundable \$80 fee for each item purchased at
25 the tax sale as provided in this Section. Except as otherwise
26 provided in subsection (b) of Section 21-300, all money

1 received under subsection (a) or (a-5) shall be paid by the
2 Collector to the County Treasurer of the County in which the
3 land is situated, for the purpose of an indemnity fund. The
4 County Treasurer, as trustee of that fund, shall invest all of
5 that fund, principal and income, in his or her hands from time
6 to time, if not immediately required for payments of
7 indemnities under subsection (a) of Section 21-305, in
8 investments permitted by the Illinois State Board of Investment
9 under Article 22A of the Illinois Pension Code. The county
10 collector shall report annually to the county clerk on the
11 condition and income of the fund. The indemnity fund shall be
12 held to satisfy judgments obtained against the County
13 Treasurer, as trustee of the fund. No payment shall be made
14 from the fund, except upon a judgment of the court which
15 ordered the issuance of a tax deed.

16 (Source: P.A. 100-1070, eff. 1-1-19.)

17 (35 ILCS 200/21-310)

18 Sec. 21-310. Sales in error.

19 (a) When, upon application of the county collector, the
20 owner of the certificate of purchase, or a municipality which
21 owns or has owned the property ordered sold, it appears to the
22 satisfaction of the court which ordered the property sold that
23 any of the following subsections are applicable, the court
24 shall declare the sale to be a sale in error:

25 (1) the property was not subject to taxation, or all or

1 any part of the lien of taxes sold has become null and void
2 pursuant to Section 21-95 or unenforceable pursuant to
3 subsection (c) of Section 18-250 or subsection (b) of
4 Section 22-40,

5 (2) the taxes or special assessments had been paid
6 prior to the sale of the property,

7 (3) there is a double assessment,

8 (4) the description is void for uncertainty,

9 (5) the assessor, chief county assessment officer,
10 board of review, board of appeals, or other county official
11 has made an error (other than an error of judgment as to
12 the value of any property),

13 (5.5) the owner of the homestead property had tendered
14 timely and full payment to the county collector that the
15 owner reasonably believed was due and owing on the
16 homestead property, and the county collector did not apply
17 the payment to the homestead property; provided that this
18 provision applies only to homeowners, not their agents or
19 third-party payors,

20 (6) prior to the tax sale a voluntary or involuntary
21 petition has been filed by or against the legal or
22 beneficial owner of the property requesting relief under
23 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

24 (7) the property is owned by the United States, the
25 State of Illinois, a municipality, or a taxing district, or

26 (8) the owner of the property is a reservist or

1 guardsperson who is granted an extension of his or her due
2 date under Sections 21-15, 21-20, and 21-25 of this Act.

3 (b) When, upon application of the owner of the certificate
4 of purchase only, it appears to the satisfaction of the court
5 which ordered the property sold that any of the following
6 subsections are applicable, the court shall declare the sale to
7 be a sale in error:

8 (1) A voluntary or involuntary petition under the
9 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
10 filed subsequent to the tax sale and prior to the issuance
11 of the tax deed.

12 (2) The improvements upon the property sold have been
13 substantially destroyed or rendered uninhabitable or
14 otherwise unfit for occupancy subsequent to the tax sale
15 and prior to the issuance of the tax deed; however, if the
16 court declares a sale in error under this paragraph (2),
17 the court may order the holder of the certificate of
18 purchase to assign the certificate to the county collector
19 if requested by the county collector. The county collector
20 may, upon request of the county, as trustee, or upon
21 request of a taxing district having an interest in the
22 taxes sold, further assign any certificate of purchase
23 received pursuant to this paragraph (2) to the county
24 acting as trustee for taxing districts pursuant to Section
25 21-90 of this Code or to the taxing district having an
26 interest in the taxes sold.

1 (3) There is an interest held by the United States in
2 the property sold which could not be extinguished by the
3 tax deed.

4 (4) The real property contains a hazardous substance,
5 hazardous waste, or underground storage tank that would
6 require cleanup or other removal under any federal, State,
7 or local law, ordinance, or regulation, only if the tax
8 purchaser purchased the property without actual knowledge
9 of the hazardous substance, hazardous waste, or
10 underground storage tank. This paragraph (4) applies only
11 if the owner of the certificate of purchase has made
12 application for a sale in error at any time before the
13 issuance of a tax deed. If the court declares a sale in
14 error under this paragraph (4), the court may order the
15 holder of the certificate of purchase to assign the
16 certificate to the county collector if requested by the
17 county collector. The county collector may, upon request of
18 the county, as trustee, or upon request of a taxing
19 district having an interest in the taxes sold, further
20 assign any certificate of purchase received pursuant to
21 this paragraph (4) to the county acting as trustee for
22 taxing districts pursuant to Section 21-90 of this Code or
23 to the taxing district having an interest in the taxes
24 sold.

25 Whenever a court declares a sale in error under this
26 subsection (b), the court shall promptly notify the county

1 collector in writing. Every such declaration pursuant to any
2 provision of this subsection (b) shall be made within the
3 proceeding in which the tax sale was authorized.

4 (c) When the county collector discovers, prior to the
5 expiration of the period of redemption, that a tax sale should
6 not have occurred for one or more of the reasons set forth in
7 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,
8 the county collector shall notify the last known owner of the
9 certificate of purchase by certified and regular mail, or other
10 means reasonably calculated to provide actual notice, that the
11 county collector intends to declare an administrative sale in
12 error and of the reasons therefor, including documentation
13 sufficient to establish the reason why the sale should not have
14 occurred. The owner of the certificate of purchase may object
15 in writing within 28 days after the date of the mailing by the
16 county collector. If an objection is filed, the county
17 collector shall not administratively declare a sale in error,
18 but may apply to the circuit court for a sale in error as
19 provided in subsection (a) of this Section. Thirty days
20 following the receipt of notice by the last known owner of the
21 certificate of purchase, or within a reasonable time
22 thereafter, the county collector shall make a written
23 declaration, based upon clear and convincing evidence, that the
24 taxes were sold in error and shall deliver a copy thereof to
25 the county clerk within 30 days after the date the declaration
26 is made for entry in the tax judgment, sale, redemption, and

1 forfeiture record pursuant to subsection (d) of this Section.
2 The county collector shall promptly notify the last known owner
3 of the certificate of purchase of the declaration by regular
4 mail and shall promptly pay the amount of the tax sale,
5 together with interest and costs as provided in Section 21-315,
6 upon surrender of the original certificate of purchase.

7 (d) If a sale is declared to be a sale in error, the county
8 clerk shall make entry in the tax judgment, sale, redemption
9 and forfeiture record, that the property was erroneously sold,
10 and the county collector shall, on demand of the owner of the
11 certificate of purchase, refund the amount paid, except for the
12 nonrefundable \$80 fee paid, pursuant to Section 21-295, for
13 each item purchased at the tax sale, pay any interest and costs
14 as may be ordered under Sections 21-315 through 21-335, and
15 cancel the certificate so far as it relates to the property.
16 The county collector shall deduct from the accounts of the
17 appropriate taxing bodies their pro rata amounts paid.
18 Alternatively, for sales in error declared under subsection
19 (b) (2) or (b) (4), the county collector may request the circuit
20 court to direct the county clerk to record any assignment of
21 the tax certificate to or from the county collector without
22 charging a fee for the assignment. The owner of the certificate
23 of purchase shall receive all statutory refunds and payments.
24 The county collector shall deduct costs and payments in the
25 same manner as if a sale in error had occurred.

26 (Source: P.A. 100-890, eff. 1-1-19; 101-379, eff. 1-1-20.)

1 (35 ILCS 200/21-355)

2 Sec. 21-355. Amount of redemption. Any person desiring to
3 redeem shall deposit an amount specified in this Section with
4 the county clerk of the county in which the property is
5 situated, in legal money of the United States, or by cashier's
6 check, certified check, post office money order or money order
7 issued by a financial institution insured by an agency or
8 instrumentality of the United States, payable to the county
9 clerk of the proper county. The deposit shall be deemed timely
10 only if actually received in person at the county clerk's
11 office prior to the close of business as defined in Section
12 3-2007 of the Counties Code on or before the expiration of the
13 period of redemption or by United States mail with a post
14 office cancellation mark dated not less than one day prior to
15 the expiration of the period of redemption. The deposit shall
16 be in an amount equal to the total of the following:

17 (a) the certificate amount, which shall include all tax
18 principal, special assessments, interest and penalties
19 paid by the tax purchaser together with costs and fees of
20 sale and fees paid under Sections 21-295 and 21-315 through
21 21-335, except for the nonrefundable \$80 fee paid, pursuant
22 to Section 21-295, for each item purchased at the tax sale;

23 (b) the accrued penalty, computed through the date of
24 redemption as a percentage of the certificate amount, as
25 follows:

1 (1) if the redemption occurs on or before the
2 expiration of 6 months from the date of sale, the
3 certificate amount times the penalty bid at sale;

4 (2) if the redemption occurs after 6 months from
5 the date of sale, and on or before the expiration of 12
6 months from the date of sale, the certificate amount
7 times 2 times the penalty bid at sale;

8 (3) if the redemption occurs after 12 months from
9 the date of sale and on or before the expiration of 18
10 months from the date of sale, the certificate amount
11 times 3 times the penalty bid at sale;

12 (4) if the redemption occurs after 18 months from
13 the date of sale and on or before the expiration of 24
14 months from the date of sale, the certificate amount
15 times 4 times the penalty bid at sale;

16 (5) if the redemption occurs after 24 months from
17 the date of sale and on or before the expiration of 30
18 months from the date of sale, the certificate amount
19 times 5 times the penalty bid at sale;

20 (6) if the redemption occurs after 30 months from
21 the date of sale and on or before the expiration of 36
22 months from the date of sale, the certificate amount
23 times 6 times the penalty bid at sale.

24 In the event that the property to be redeemed has
25 been purchased under Section 21-405, the penalty bid
26 shall be 12% per penalty period as set forth in

1 subparagraphs (1) through (6) of this subsection (b).
2 The changes to this subdivision (b)(6) made by this
3 amendatory Act of the 91st General Assembly are not a
4 new enactment, but declaratory of existing law.

5 (c) The total of all taxes, special assessments,
6 accrued interest on those taxes and special assessments and
7 costs charged in connection with the payment of those taxes
8 or special assessments, except for the nonrefundable \$80
9 fee paid, pursuant to Section 21-295, for each item
10 purchased at the tax sale, which have been paid by the tax
11 certificate holder on or after the date those taxes or
12 special assessments became delinquent together with 12%
13 penalty on each amount so paid for each year or portion
14 thereof intervening between the date of that payment and
15 the date of redemption. In counties with less than
16 3,000,000 inhabitants, however, a tax certificate holder
17 may not pay all or part of an installment of a subsequent
18 tax or special assessment for any year, nor shall any
19 tender of such a payment be accepted, until after the
20 second or final installment of the subsequent tax or
21 special assessment has become delinquent or until after the
22 holder of the certificate of purchase has filed a petition
23 for a tax deed under Section 22.30. The person redeeming
24 shall also pay the amount of interest charged on the
25 subsequent tax or special assessment and paid as a penalty
26 by the tax certificate holder. This amendatory Act of 1995

1 applies to tax years beginning with the 1995 taxes, payable
2 in 1996, and thereafter.

3 (d) Any amount paid to redeem a forfeiture occurring
4 subsequent to the tax sale together with 12% penalty
5 thereon for each year or portion thereof intervening
6 between the date of the forfeiture redemption and the date
7 of redemption from the sale.

8 (e) Any amount paid by the certificate holder for
9 redemption of a subsequently occurring tax sale.

10 (f) All fees paid to the county clerk under Section
11 22-5.

12 (g) All fees paid to the registrar of titles incident
13 to registering the tax certificate in compliance with the
14 Registered Titles (Torrens) Act.

15 (h) All fees paid to the circuit clerk and the sheriff,
16 a licensed or registered private detective, or the coroner
17 in connection with the filing of the petition for tax deed
18 and service of notices under Sections 22-15 through 22-30
19 and 22-40 in addition to (1) a fee of \$35 if a petition for
20 tax deed has been filed, which fee shall be posted to the
21 tax judgment, sale, redemption, and forfeiture record, to
22 be paid to the purchaser or his or her assignee; (2) a fee
23 of \$4 if a notice under Section 22-5 has been filed, which
24 fee shall be posted to the tax judgment, sale, redemption,
25 and forfeiture record, to be paid to the purchaser or his
26 or her assignee; (3) all costs paid to record a lis pendens

1 notice in connection with filing a petition under this
2 Code; and (4) if a petition for tax deed has been filed,
3 all fees up to \$150 per redemption paid to a registered or
4 licensed title insurance company or title insurance agent
5 for a title search to identify all owners, parties
6 interested, and occupants of the property, to be paid to
7 the purchaser or his or her assignee. The fees in (1) and
8 (2) of this paragraph (h) shall be exempt from the posting
9 requirements of Section 21-360. The costs incurred in
10 causing notices to be served by a licensed or registered
11 private detective under Section 22-15, may not exceed the
12 amount that the sheriff would be authorized by law to
13 charge if those notices had been served by the sheriff.

14 (i) All fees paid for publication of notice of the tax
15 sale in accordance with Section 22-20.

16 (j) All sums paid to any county, city, village or
17 incorporated town for reimbursement under Section 22-35.

18 (k) All costs and expenses of receivership under
19 Section 21-410, to the extent that these costs and expenses
20 exceed any income from the property in question, if the
21 costs and expenditures have been approved by the court
22 appointing the receiver and a certified copy of the order
23 or approval is filed and posted by the certificate holder
24 with the county clerk. Only actual costs expended may be
25 posted on the tax judgment, sale, redemption and forfeiture
26 record.

1 (Source: P.A. 98-1162, eff. 6-1-15.)

2 Article 5.

3 Section 5-5. The Housing Authorities Act is amended by
4 changing Sections 8.23, 17, and 25 and by adding Sections
5 8.10a, 25.01, and 25.02 as follows:

6 (310 ILCS 10/8.10a new)

7 Sec. 8.10a. Criminal history record data.

8 (a) Every Authority organized under the provisions of this
9 Act shall collect the following:

10 (1) the number of applications submitted for admission
11 to federally assisted housing;

12 (2) the number of applications submitted for admission
13 to federally assisted housing by individuals with a
14 criminal history record, if the Authority is conducting
15 criminal history records checks of applicants or other
16 household members;

17 (3) the number of applications for admission to
18 federally assisted housing that were denied on the basis of
19 a criminal history record, if the Authority is conducting
20 criminal history records checks of applicants or other
21 household members;

22 (4) the number of criminal records assessment hearings
23 requested by applicants for housing who were denied

1 federally assisted housing on the basis of a criminal
2 history records check; and

3 (5) the number of denials for federally assisted
4 housing that were overturned after a criminal records
5 assessment hearing.

6 (b) The information required in this Section shall be
7 disaggregated by the race, ethnicity, and sex of applicants for
8 housing. This information shall be reported to the Illinois
9 Criminal Justice Information Authority and shall be compiled
10 and reported to the General Assembly annually by the Illinois
11 Criminal Justice Information Authority. The Illinois Criminal
12 Justice Information Authority shall also make this report
13 publicly available, including on its website, without fee.

14 (310 ILCS 10/8.23)

15 Sec. 8.23. Notification to leaseholders of the prospective
16 presence of individuals with a felony conviction ~~felons~~ in
17 housing authority facilities; eviction.

18 (a) Immediately upon the receipt of the written
19 notification, from the Department of Corrections under
20 subsection (c) of Section 3-14-1 of the Unified Code of
21 Corrections, that an individual with a felony conviction ~~a~~
22 ~~felon~~ intends to reside, upon release from custody, at an
23 address that is a housing facility owned, managed, operated, or
24 leased by the Authority, the Authority must provide written
25 notification to the leaseholder residing at that address.

1 (b) The Authority may not evict the leaseholder described
2 in subsection (a) of this Section unless (i) federal law
3 prohibits the individual with a felony conviction from residing
4 at a housing facility owned, managed, operated, or leased by
5 the Authority and (ii) the Authority proves by a preponderance
6 of the evidence that the leaseholder had knowledge of and
7 consents to the individual's ~~felon's~~ intent to reside at the
8 leaseholder's address.

9 (Source: P.A. 91-506, eff. 8-13-99.)

10 (310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

11 Sec. 17. Definitions. The following terms, wherever used or
12 referred to in this Act shall have the following respective
13 meanings, unless in any case a different meaning clearly
14 appears from the context:

15 (a) "Authority" or "housing authority" shall mean a
16 municipal corporation organized in accordance with the
17 provisions of this Act for the purposes, with the powers and
18 subject to the restrictions herein set forth.

19 (b) "Area" or "area of operation" shall mean: (1) in the
20 case of an authority which is created hereunder for a city,
21 village, or incorporated town, the area within the territorial
22 boundaries of said city, village, or incorporated town, and so
23 long as no county housing authority has jurisdiction therein,
24 the area within three miles from such territorial boundaries,
25 except any part of such area located within the territorial

1 boundaries of any other city, village, or incorporated town;
2 and (2) in the case of a county shall include all of the county
3 except the area of any city, village or incorporated town
4 located therein in which there is an Authority. When an
5 authority is created for a county subsequent to the creation of
6 an authority for a city, village or incorporated town within
7 the same county, the area of operation of the authority for
8 such city, village or incorporated town shall thereafter be
9 limited to the territory of such city, village or incorporated
10 town, but the authority for such city, village or incorporated
11 town may continue to operate any project developed in whole or
12 in part in an area previously a part of its area of operation,
13 or may contract with the county housing authority with respect
14 to the sale, lease, development or administration of such
15 project. When an authority is created for a city, village or
16 incorporated town subsequent to the creation of a county
17 housing authority which previously included such city, village
18 or incorporated town within its area of operation, such county
19 housing authority shall have no power to create any additional
20 project within the city, village or incorporated town, but any
21 existing project in the city, village or incorporated town
22 currently owned and operated by the county housing authority
23 shall remain in the ownership, operation, custody and control
24 of the county housing authority.

25 (b-5) "Criminal history record" means a record of arrest,
26 complaint, indictment, or any disposition arising therefrom.

1 (b-6) "Criminal history report" means any written, oral, or
2 other communication of information that includes criminal
3 history record information about a natural person that is
4 produced by a law enforcement agency, a court, a consumer
5 reporting agency, or a housing screening agency or business.

6 (c) "Presiding officer" shall mean the presiding officer of
7 the board of a county, or the mayor or president of a city,
8 village or incorporated town, as the case may be, for which an
9 Authority is created hereunder.

10 (d) "Commissioner" shall mean one of the members of an
11 Authority appointed in accordance with the provisions of this
12 Act.

13 (e) "Government" shall include the State and Federal
14 governments and the governments of any subdivisions, agency or
15 instrumentality, corporate or otherwise, of either of them.

16 (f) "Department" shall mean the Department of Commerce and
17 Economic Opportunity.

18 (g) "Project" shall include all lands, buildings, and
19 improvements, acquired, owned, leased, managed or operated by a
20 housing authority, and all buildings and improvements
21 constructed, reconstructed or repaired by a housing authority,
22 designed to provide housing accommodations and facilities
23 appurtenant thereto (including community facilities and
24 stores) which are planned as a unit, whether or not acquired or
25 constructed at one time even though all or a portion of the
26 buildings are not contiguous or adjacent to one another; and

1 the planning of buildings and improvements, the acquisition of
2 property, the demolition of existing structures, the clearing
3 of land, the construction, reconstruction, and repair of
4 buildings or improvements and all other work in connection
5 therewith. As provided in Sections 8.14 to 8.18, inclusive,
6 "project" also means, for Housing Authorities for
7 municipalities of less than 500,000 population and for
8 counties, the conservation of urban areas in accordance with an
9 approved conservation plan. "Project" shall also include (1)
10 acquisition of (i) a slum or blighted area or a deteriorated or
11 deteriorating area which is predominantly residential in
12 character, or (ii) any other deteriorated or deteriorating area
13 which is to be developed or redeveloped for predominantly
14 residential uses, or (iii) platted urban or suburban land which
15 is predominantly open and which because of obsolete platting,
16 diversity of ownership, deterioration of structures or of site
17 improvements, or otherwise substantially impairs or arrests
18 the sound growth of the community and which is to be developed
19 for predominantly residential uses, or (iv) open unplatted
20 urban or suburban land necessary for sound community growth
21 which is to be developed for predominantly residential uses, or
22 (v) any other area where parcels of land remain undeveloped
23 because of improper platting, delinquent taxes or special
24 assessments, scattered or uncertain ownerships, clouds on
25 title, artificial values due to excessive utility costs, or any
26 other impediments to the use of such area for predominantly

1 residential uses; (2) installation, construction, or
2 reconstruction of streets, utilities, and other site
3 improvements essential to the preparation of sites for uses in
4 accordance with the development or redevelopment plan; and (3)
5 making the land available for development or redevelopment by
6 private enterprise or public agencies (including sale, initial
7 leasing, or retention by the local public agency itself). If in
8 any city, village or incorporated town there exists a land
9 clearance commission created under the "Blighted Areas
10 Redevelopment Act of 1947" having the same area of operation as
11 a housing authority created in and for any such municipality
12 such housing authority shall have no power to acquire land of
13 the character described in subparagraph (iii), (iv) or (v) of
14 paragraph 1 of the definition of "project" for the purpose of
15 development or redevelopment by private enterprise.

16 (h) "Community facilities" shall include lands, buildings,
17 and equipment for recreation or social assembly, for education,
18 health or welfare activities and other necessary utilities
19 primarily for use and benefit of the occupants of housing
20 accommodations to be constructed, reconstructed, repaired or
21 operated hereunder.

22 (i) "Real property" shall include lands, lands under water,
23 structures, and any and all easements, franchises and
24 incorporeal hereditaments and estates, and rights, legal and
25 equitable, including terms for years and liens by way of
26 judgment, mortgage or otherwise.

1 (j) The term "governing body" shall include the city
2 council of any city, the president and board of trustees of any
3 village or incorporated town, the council of any city or
4 village, and the county board of any county.

5 (k) The phrase "individual, association, corporation or
6 organization" shall include any individual, private
7 corporation, limited or general partnership, limited liability
8 company, insurance company, housing corporation, neighborhood
9 redevelopment corporation, non-profit corporation,
10 incorporated or unincorporated group or association,
11 educational institution, hospital, or charitable organization,
12 and any mutual ownership or cooperative organization.

13 (l) "Conservation area", for the purpose of the exercise of
14 the powers granted in Sections 8.14 to 8.18, inclusive, for
15 housing authorities for municipalities of less than 500,000
16 population and for counties, means an area of not less than 2
17 acres in which the structures in 50% or more of the area are
18 residential having an average age of 35 years or more. Such an
19 area is not yet a slum or blighted area as defined in the
20 Blighted Areas Redevelopment Act of 1947, but such an area by
21 reason of dilapidation, obsolescence, deterioration or illegal
22 use of individual structures, overcrowding of structures and
23 community facilities, conversion of residential units into
24 non-residential use, deleterious land use or layout, decline of
25 physical maintenance, lack of community planning, or any
26 combination of these factors may become a slum and blighted

1 area.

2 (m) "Conservation plan" means the comprehensive program
3 for the physical development and replanning of a "Conservation
4 Area" as defined in paragraph (l) embodying the steps required
5 to prevent such Conservation Area from becoming a slum and
6 blighted area.

7 (n) "Fair use value" means the fair cash market value of
8 real property when employed for the use contemplated by a
9 "Conservation Plan" in municipalities of less than 500,000
10 population and in counties.

11 (o) "Community facilities" means, in relation to a
12 "Conservation Plan", those physical plants which implement,
13 support and facilitate the activities, services and interests
14 of education, recreation, shopping, health, welfare, religion
15 and general culture.

16 (p) "Loan agreement" means any agreement pursuant to which
17 an Authority agrees to loan the proceeds of its revenue bonds
18 issued with respect to a multifamily rental housing project or
19 other funds of the Authority to any person upon terms providing
20 for loan repayment installments at least sufficient to pay when
21 due all principal of, premium, if any, and interest on the
22 revenue bonds of the Authority issued with respect to the
23 multifamily rental housing project, and providing for
24 maintenance, insurance, and other matters as may be deemed
25 desirable by the Authority.

26 (q) "Multifamily rental housing" means any rental project

1 designed for mixed-income or low-income occupancy.

2 (Source: P.A. 94-793, eff. 5-19-06; 95-887, eff. 8-22-08.)

3 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

4 Sec. 25. Rentals and tenant selection. In the operation or
5 management of housing projects an Authority shall at all times
6 observe the following duties with respect to rentals and tenant
7 selection:

8 (a) It shall not accept any person as a tenant in any
9 dwelling in a housing project if the persons who would occupy
10 the dwelling have an aggregate annual income which equals or
11 exceeds the amount which the Authority determines (which
12 determination shall be conclusive) to be necessary in order to
13 enable such persons to secure safe, sanitary and uncongested
14 dwelling accommodations within the area of operation of the
15 Authority and to provide an adequate standard of living for
16 themselves.

17 (b) It may rent or lease the dwelling accommodations
18 therein only at rentals within the financial reach of persons
19 who lack the amount of income which it determines (pursuant to
20 (a) of this Section) to be necessary in order to obtain safe,
21 sanitary and uncongested dwelling accommodations within the
22 area of operation of the Authority and to provide an adequate
23 standard of living.

24 (c) It may rent or lease to a tenant a dwelling consisting
25 of the number of rooms (but no greater number) which it deems

1 necessary to provide safe and sanitary accommodations to the
2 proposed occupants thereof, without overcrowding.

3 (d) It shall not change the residency preference of any
4 prospective tenant once the application has been accepted by
5 the authority.

6 ~~(e) It may refuse to certify or recertify applicants,~~
7 ~~current tenants, or other household members if, after due~~
8 ~~notice and an impartial hearing, that person or any of the~~
9 ~~proposed occupants of the dwelling has, prior to or during a~~
10 ~~term of tenancy or occupancy in any housing project operated by~~
11 ~~an Authority, been convicted of a criminal offense relating to~~
12 ~~the sale or distribution of controlled substances under the~~
13 ~~laws of this State, the United States or any other state.~~ If an
14 Authority desires a criminal history records check of all 50
15 states or a 50-state confirmation of a conviction record, the
16 Authority shall submit the fingerprints of the relevant
17 applicant, tenant, or other household member to the Department
18 of State Police in a manner prescribed by the Department of
19 State Police. These fingerprints shall be checked against the
20 fingerprint records now and hereafter filed in the Department
21 of State Police and Federal Bureau of Investigation criminal
22 history records databases. The Department of State Police shall
23 charge a fee for conducting the criminal history records check,
24 which shall be deposited in the State Police Services Fund and
25 shall not exceed the actual cost of the records check. The
26 Department of State Police shall furnish pursuant to positive

1 identification, records of conviction to the Authority. An
2 Authority that requests a criminal history report of an
3 applicant or other household member shall inform the applicant
4 at the time of the request that the applicant or other
5 household member may provide additional mitigating information
6 for consideration with the application for housing.

7 (e-5) Criminal history record assessment. The Authority
8 shall use the following process when evaluating the criminal
9 history report of an applicant or other household member to
10 determine whether to rent or lease to the applicant:

11 (1) Unless required by federal law, the Authority shall
12 not consider the following information when determining
13 whether to rent or lease to an applicant for housing:

14 (A) an arrest or detention;

15 (B) criminal charges or indictments, and the
16 nature of any disposition arising therefrom, that do
17 not result in a conviction;

18 (C) a conviction that has been vacated, ordered,
19 expunged, sealed, or impounded by a court;

20 (D) matters under the jurisdiction of the Illinois
21 Juvenile Court;

22 (E) the amount of time since the applicant or other
23 household member completed his or her sentence in
24 prison or jail or was released from prison or jail; or

25 (F) convictions occurring more than 180 days prior
26 to the date the applicant submitted his or her

1 application for housing.

2 (2) The Authority shall create a system for the
3 independent review of criminal history reports:

4 (A) the reviewer shall examine the applicant's or
5 other household member's criminal history report and
6 report only those records not prohibited under
7 paragraph (1) to the person or persons making the
8 decision about whether to offer housing to the
9 applicant; and

10 (B) the reviewer shall not participate in any final
11 decisions on an applicant's application for housing.

12 (3) The Authority may deny an applicant's application
13 for housing because of the applicant's or another household
14 member's criminal history record, only if the Authority:

15 (A) determines that the denial is required under
16 federal law; or

17 (B) determines that there is a direct relationship
18 between the applicant or the other household member's
19 criminal history record and a risk to the health,
20 safety, and peaceful enjoyment of fellow tenants. The
21 mere existence of a criminal history record does not
22 demonstrate such a risk.

23 (f) It may, if a tenant has created or maintained a threat
24 constituting a serious and clear danger to the health or safety
25 of other tenants or Authority employees, after 3 days' written
26 notice of termination and without a hearing, file suit against

1 any such tenant for recovery of possession of the premises. The
2 tenant shall be given the opportunity to contest the
3 termination in the court proceedings. A serious and clear
4 danger to the health or safety of other tenants or Authority
5 employees shall include, but not be limited to, any of the
6 following activities of the tenant or of any other person on
7 the premises with the consent of the tenant:

8 (1) Physical assault or the threat of physical assault.

9 (2) Illegal use of a firearm or other weapon or the
10 threat to use in an illegal manner a firearm or other
11 weapon.

12 (3) Possession of a controlled substance by the tenant
13 or any other person on the premises with the consent of the
14 tenant if the tenant knew or should have known of the
15 possession by the other person of a controlled substance,
16 unless the controlled substance was obtained directly from
17 or pursuant to a valid prescription.

18 (4) Streetgang membership as defined in the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 The management of low-rent public housing projects
21 financed and developed under the U.S. Housing Act of 1937 shall
22 be in accordance with that Act.

23 Nothing contained in this Section or any other Section of
24 this Act shall be construed as limiting the power of an
25 Authority to vest in a bondholder or trustee the right, in the
26 event of a default by the Authority, to take possession and

1 operate a housing project or cause the appointment of a
2 receiver thereof, free from all restrictions imposed by this
3 Section or any other Section of this Act.

4 (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)

5 (310 ILCS 10/25.01 new)

6 Sec. 25.01. Notification. Before denying an applicant's
7 housing application based, in whole or in part, on a criminal
8 history record permitted under this Act, the Authority shall
9 provide the opportunity for an individual assessment. The
10 applicant for housing shall be provided with a clear, written
11 notice that:

12 (1) explains why the Authority has determined that the
13 criminal history report it obtained requires further
14 review, including detailed information on whether the need
15 for further review is based on federal law or on the
16 Authority's determination that the criminal history record
17 of the applicant or other household member indicates a risk
18 to the health, safety, or peaceful enjoyment of housing for
19 other residents;

20 (2) identifies the specific conviction or convictions
21 upon which the Authority relied upon when making its
22 decision to deny the applicant's housing application;

23 (3) explains that the applicant has a right to an
24 individualized criminal records assessment hearing
25 regarding the Authority's decision to deny the applicant's

1 housing application, as set forth in Section 25.02;

2 (4) provides clear instructions on what to expect
3 during an individualized criminal records assessment
4 hearing, as set forth in Section 25.02;

5 (5) explains that if the applicant chooses not to
6 participate in an individualized criminal records
7 assessment hearing, the applicant's application will be
8 denied; and

9 (6) provides a copy of the criminal history report the
10 Authority used to make its determination.

11 (310 ILCS 10/25.02 new)

12 Sec. 25.02. Criminal records assessment hearing.

13 (a) An applicant has the right to an individualized
14 criminal records assessment hearing if the applicant's
15 application for housing requires further review because of the
16 applicant's or another household member's criminal history
17 record. The individualized criminal records assessment hearing
18 shall allow the applicant or other household member to:

19 (1) contest the accuracy of the criminal history
20 record;

21 (2) contest the relevance of the criminal history
22 record to the Authority's decision to deny the applicant's
23 application for housing; and

24 (3) provide mitigating evidence concerning the
25 applicant's or other household member's criminal

